

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Panchayats – Kodada Gram Panchayat – Appeal Petition filed by Smt. Y. Kusuma, Sarpanch (U/S), Kodada Gram Panchayat and Mandal, Nalgonda District against Proceedings of the District Collector (PW), Nalgonda District - Disallowed - Orders - Issued.

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**PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT**

**G.O. Rt. No. 1657**

**Date:13-11-2009.**

**Read the following:-**

1. From the Dist. Collector, Nalgonda Dist., Procds. No.487/09-B1(Pts), Dated 23-09-2009.
2. Appeal Petition of Smt. Y. Kusuma, Sarpanch (U/S), Kodada Gram Panchayat and Mandal, Nalgonda District, dt.30.9.2009 received by the Department on 11.10.2009.
3. Govt.Memo.No.16193/Pts.II/A1/2009-3, Dt.13.10.2009.
4. Govt. Telegram No. 17213/Pts.II/A1/2009-2, dt. 13-10-2009.
5. From the District Collector (PW), Nalgonda Roc.No.487/09-B1(Pts), Dt.20.10.2009.
6. From the Asst. Registrar, A.P. H.C., Hyderabad W.P.M.P.No.28127 of 2009 in W.P.No.21653 of 2009, Dt.15.10.2009.

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**ORDER:**

In the reference 1<sup>st</sup> read above, the District Collector (PW), Nalgonda District has suspended Smt Y. Kusuma, Sarpanch, Kodada Gram Panchayat and Mandal, Nalgonda District from the Post of Sarpanch U/s 249(6) of Andhra Pradesh Panchayat Raj Act, 1994 for illegal formation of layouts without approval of the District Town and Country Planning.

2. Aggrieved by the said orders, in the reference 2<sup>rd</sup> read above Smt Y. Kusuma, Sarpanch, Kodada Gram Panchayat and Mandal, Nalgonda District has filed an Appeal Petition before Government on the following grounds:-

- i) **The order under appeal is illegal, contrary to law unjustified and unwarranted.**
- ii) **The District Collector erred in suspending the appellant for a period of 3 months from the office of Sarpanch of Kodada Gr.Pt., on the basis of remarks offered by the Joint Committee.**
- iii) **The District Collector erred in holding that all the charges are held proved against the appellant in view of remarks of the committee i.e., District Town and Country Planning Officer, Nalgonda and Divisional Panchayat Officer, Miryalaguda**
- iv) **The Joint Committee has no power to assess and give findings on the explanation. They have the power to offer their remarks on the explanation of the appellant.**
- v) **The appellant was made scape goat by the Upa-Sarpanch or his mentors by taking the advantage of weaker sex i.e. Woman Sarpanch and her illiteracy about the conducting the affairs of the Gram Panchayat.**

3. In the reference 3<sup>rd</sup> read above, Government has called the remarks of District Collector (PW), Nalgonda District.

4. In the meantime the petitioner has filed a Writ Petition No.21653 of 2009 before the Hon'ble High Court. The Hon'ble High Court vide reference 7<sup>th</sup> read above, while directing the Government to dispose of the Appeal / Revision by 23-10-2009 or on any other date has granted interim suspension on the proceedings of the District Collector (PW), Nalgonda District.

**(p.t.o)**

5. The case was heard on 10-11-2009. Both sides' advocate representing the petitioner, the complainant against Sarpanch and the District Panchayat Officer (I/c), Nalgonda District were attended.

6. During the hearing the advocate representing the revision petitioner has briefly narrated the details of the case and mentioned that the Sarpanch is a lady and illiterate. The Panchayat Secretary who is the executive authority of the Panchayat commits the irregularities if any and Sarpanch is in no way concerned with regard to permissions to layouts.

7. The advocate representing the complainant has stated that the husband of the Sarpanch was former president of the Panchayat and is presently continuing as ward member. The husband of the Sarpanch has engineered and he is responsible for the loss of lakhs of rupees of the Gram Panchayat.

8. The case has been examined with reference to the grounds raised by the Appeal Petitioner and the records available. The District Panchayat Officer (I/c) who is present the hearing has submitted the layout plans, which were signed by both Panchayat Secretary and Sarpanch. It is noticed that since 2006, 44 layouts covering an extent of about 142 acres of agricultural land in Kodad Gram Panchayat and willfully allowed to be converted as residential plots without getting the approval of DTCP, Nalgonda. The Panchayat Secretary, Sarpanch and real estate developers have acted hand in glove. In the records there was a letter and said to have been written by Panchayat Secretary to DTCP, Nalgonda seeking approval. But the letter might not have been dispatched to the DTCP, Nalgonda, since it was clarified by DTCP, Nalgonda that they have not received even a single letter from Kodad Gram Panchayat from 2006 for approval of layouts.

9. It is noticed that in 9 layouts, small extents were earmarked instead of 10% to be given to for public use, but these extents also has been allowed to be registered in favour of private individuals by the developers. In the other 35 layouts, not a cent of land was set apart for public use. The Gram Panchayat has been deprived of about 55,000 Sq.Yrds, cost of which runs to cores of rupees. Without getting the Layouts, housing plots were sold. No tax for NALA was paid to Revenue Department for conversion of agricultural land. It is very clear that the whole scam could not be occurred without the knowledge / involvement of the Sarpanch.

10. Further it is seen that the reply of Sarpanch to the show-cause notice issued by the District Collector, and the affidavit filed before the Hon'ble Court are in variance. She has not mentioned anywhere in her reply to the show-cause notice that she has signed the layout plan. She has not explained why she has signed the layouts plan. In the reply to the show-cause notice she has only said that it is the duty of the Panchayat Secretary to carry out all works relating to the permission of the layout plans. It is only as an-after thought she has modified her stand in the affidavit and stated that she signed the layout plans and forwarded the same to the DTCP.

11. On verification of layout plans it is observed that the both Panchayat Secretary and Sarpanch have signed the layout plans.

12. Further the Sarpanch in her letter dated 02.09.2009 addressed to the District Collector (PW), Nalgonda, has admitted the fact that the land due to the Gram Panchayat has been lost and she has accepted knowledge of the same and has also offered to make good of the loss to the Gram Panchayat. Her taking up the responsibility of restoring lost land and amount is an admission of the loss during her tenure as administrative head of the Gram Panchayat. In a way this tantamount is to her admission of guilt in this case.

**(Contd...3)**

13. As per the Section 25 of APPR Act 1994 the Sarpanch is a public servant within the meaning of Section 21 of IPC the Sarpanch has to exercise the administrative control over the executive authority for the above lapses. According to under Section of 249(iv) of PR Act 1994, the Sarpanch has persistently defaulted in the performance of the functions and duties entrusted to her resulting loss to Gram Panchayat. It concludes that the Sarpanch has wantonly colluded with the Panchayat Secretary and the real estate developers and caused substantial loss to the Gram Panchayat.

14. Government after careful examination of the matter with the available of records, the Appeal Petition filed by the Smt Y. Kusuma, Sarpanch, Kodada Gram Panchayat and Mandal, Nalgonda District is dismissed.

15. The District Collector (PW), Nalgonda District shall take necessary further action accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**M.V.P.C. SASTRY  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The District Collector (PW), Nalgonda District.  
The Commissioner, Panchayat Raj and Rural Employment, Hyderabad.  
The District Panchayat Officer, Nalgonda District.

**Copy to:**

Smt. Y. Kusuma, Sarpanch (U/S), Kodada Gram Panchayat and Mandal, Nalgonda District  
O.S.D to M(PR)  
The Government Pleader for PR, APHC., Hyderabad.  
Sf/Sc.

**// FORWARDED:: BY ORDER//**

**SECTION OFFICER**